



ABSTRACT

Department for WCD&SC - Representation of Smt Abbas Fathima, W/o late Sri Yousuf Ali, who dismissed from service, while working as Senior Assistant, WD&CW Department, for sanction of family pension and other retirement benefits consequent on setting aside the impugned order by the Hon'ble Tribunal – Orders – Issued.

DEPARTMENT FOR WOMEN, CHILDREN, DISABLED AND SENIOR CITIZENS (ESTT)

G.O.Rt.No. 96

Dated: 13-12-2019

Read the following:-

1. From the Director, Women Development & Child Welfare Department, Hyderabad, Letter No.1629/Vig/2010, dated 07.11.2015.
2. Govt. Memo No.3507/Esst.A2/2015, dated 17.12.2015.
3. From the Director, Women Development & Child Welfare Department, Hyderabad, Letter No.1629/Vig/2010, dated 29.01.2018.
4. Govt. Memo No.3507/Esst.A2/2015, dated 20.09.2019.
5. From the Director, Women Development & Child Welfare Department, Hyderabad, Letter No.1629/Vig/2010, dated 06.11.2019.

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ORDER:-

The Director, Women Development & Child Welfare Department, Hyderabad, in her letter 1st read above has reported that disciplinary proceedings were initiated against Sri Md.Yousuf Ali, Senior Assistant, ICDS Project Peddavoora of Nalgonda district among others for certain lapses and by following due procedure imposed a major penalty of "Dismissal from Service" besides recovery of Rs.2,15,781/-, vide Proceedings No.11593/Vig.II/96, dated 13.10.2003. Aggrieved by the said orders, the individual has filed O.A.No.95/2004 and the Hon'ble Tribunal in its orders dated 21.10.2005 set aside the said impugned orders, by making it clear that this does not preclude the respondent authorities to conduct the enquiry against the applicant strictly in accordance with Rule-20 and 21 of APSC (CCA) Rules, 1991. In pursuance of the said orders, the individual has submitted a representation for his reinstatement. As per the instructions of the Government, a W.P.No.20725/2006 has filed against the orders of the Hon'ble Tribunal. Subsequently, the individual had expired on 24.04.2009 and the Hon'ble High Court in its orders dated 13.08.2009 has dismissed the case as abated, for the reason that no steps have been taken to bring the legal representatives of the deceased respondent on record. Smt. Abbas Fathima, wife of the deceased, has submitted a representation requested to conclude the representation of her late husband for his re-instatement into service in accordance with orders of the Hon'ble Tribunal dated 21.10.2005. The Director, WD&CW has therefore, requested the Government to issue necessary instructions in the matter.

P.T.O.

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2. After examination of the entire matter, Government have observed that the orders of dismissing from service against the said individual were set aside by Hon'ble APAT in its orders dated: 21.10.2005 in OA No.95 of 2004 and the W.P. filed against the above said OA and CA was dismissed as abated. Though the individual is not reinstated to duty, the family of the deceased is entitled for pensionary benefits as the orders were set aside when the individual was alive and death abates all charges. Therefore, the Director, WD&CW has clarified that the period from the date of his acquittal to the date of his death may be treated as deemed suspension and the same period may be treated as "Not duty" on the principle of "No work No pay", no back wages may be allowed to him, vide reference 4th read above.

3. In the reference 5th read above, the Director, WD&CW has stated that the Government is the competent authority in respect of cases pertaining to retired officers/expired while in service and therefore issue orders at Government level so as to enable to process the pension and the terminal benefits to the legal heir.

4. After careful examination of the entire matter, Government hereby order to treat the period from the date of acquittal to the date of death in respect of late Md.Yousuf Ali, the then Senior Assistant, ICDS Project Peddavoora of Nalgonda district as deemed suspension duly treating the same as "Not duty" on the principle of "No work No pay" and no back wages be allowed to him. However, the recovery ordered can be effected.

5. The Director, Women Development & Child Welfare, Hyderabad shall take necessary further follow up action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

M. JAGADEESHWAR,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Director, Women Development & Child Welfare, Hyderabad.

Copy to:-

The Accountant General ,Telangana State, Hyderabad.

The Director of Treasuries and Accounts, Hyderabad.

SF/SC.

/ / FORWARDED : : BY ORDER / /

SECTION OFFICER